

# FEDERAL COMMUNICATIONS COMMISSION

CLASS OF STATION FM

DAF

The following application is submitted for action by the Chief, Broadcast Bureau.

ST	FILE NUMBER	CALL	APPLICANT AND LOCATION	NATURE OF APPLICATION
AL	BPH -891228MT N/M	NEW 106.1MHZ	BENCHMARK COMMUNICATIONS CORP. CHATOM AL	CP FOR NEW FM ON FREQUENCY 106.1 MHZ; #291C3; ERP 25.0 KW H&V; HAAT 100 METERS H&V 31 33 02.5 88 03 54.5

*Handwritten:*  
Holler  
PW  
11-5-90

LICENSE EXPIRATION DATE \_\_\_\_\_

*Deborah A. Ford*  
CHIEF, LICENSE DIVISION

RECOMMENDATION: GRANT( ) CONSTRUCTION DATES, START \_\_\_\_\_ END \_\_\_\_\_

CONTESTED ( ) UNCONTESTED ( )

APPROVED \_\_\_\_\_

\_\_\_\_\_  
FOR CHIEF, BROADCAST BUREAU

F.C.C.-WASHINGTON, D.C.

# LEIBOWITZ & SPENCER ORIGINAL

A Partnership of Professional Corporations

MATTHEW L. LEIBOWITZ, P.A.  
JOHN M. SPENCER, P.C. •  
JOSEPH A. BELISLE  
K. PATRICK MEEHAN  
OF COUNSEL  
SANFORD L. BOHRER  
SID DAVIDOFF  
JEROME M. BECKER •  
100 E. 42nd Street  
New York, N.Y. 10017

Suite 501  
3050 Biscayne Boulevard  
Miami, Florida 33137  
(305) 576-7973

Telecopier (305) 576-7980

Suite 500  
1000 Connecticut Avenue, N. W.  
Washington, D.C. 20036  
(202) 293-4093

Telecopier (202) 872-0604

• NOT ADMITTED TO  
FLORIDA BAR

December 27, 1989

RECEIVED

891228

FCC  
FEE SECTION

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: Benchmark Communications Corp.  
WCCJ(FM), Chatom, Alabama  
Application for Construction Permit  
Our File No. 05111

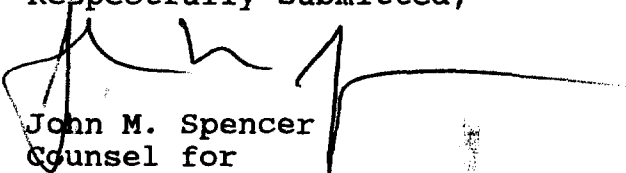
Dear Ms. Searcy:

On behalf of Benchmark Communications Corp., permittee of new FM station WCCJ, Chatom, Alabama, enclosed please find in triplicate a Form 301 application for construction permit. This application proposes facilities changes that will upgrade the station from class A to class C3, pursuant to MM Docket No. 86-55.

Also enclosed is applicant's check number 1119 for \$1,800, the application fee for a new FM or major change specified by Rule 1.1104. However, Benchmark believes its application should be treated as a minor-change application subject to a \$500 fee, as is the Commission's practice where it upgrades the allotment of an authorized station. Applicant therefore requests refund of the \$1,300 difference.

If there are any questions about this application, please communicate with the undersigned.

Respectfully submitted,

  
John M. Spencer  
Counsel for  
Benchmark Communications Corp.

RECEIVED  
JAN 19 1990  
FM EXAMINERS

JMS:hs

Encl. (4)

RECEIVED

JUL 02 1990

FM EXAMINERS

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

<b>RECEIVED</b> <b>501228</b> <b>FEE SECTION</b>	For COMMISSION Fee Use Only	FEE NO: 02026951	For APPLICANT Fee Use Only
		FEE TYPE: MFN	Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		FEE AMT: 1800.00	If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
		ID SEQ: 09	FOR COMMISSION USE ONLY FILE NO. BPH-891228MT

Section I - GENERAL INFORMATION

1. Name of Applicant BENCHMARK COMMUNICATIONS CORP.			Send notices and communications to the following person at the address below: Name JOHN RAYMOND MEYERS		
Street Address or P.O. Box 4700 S.W. 75 Avenue			Street Address or P.O. Box 4700 S.W. 75 Avenue		
City Miami	State FL	ZIP Code 33155	City Miami	State FL	ZIP Code 33155
Telephone No. (Include Area Code) (305) 264-5957			Telephone No. (Include Area Code) (305) 265-5957		

2. This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 291C3 (106.1 MHz)	(b) Principal Community CHATOM	City CHATOM	State AL
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(c) Check one of the following boxes:

☒ Application for NEW station  
\*Should pending File No. BMPH-880325JC not be granted, applicant requests that this be treated as an application for a new station.

☐ MAJOR change in licensed facilities; call sign: \_\_\_\_\_

☐ MINOR change in licensed facilities; call sign: \_\_\_\_\_

☐ MAJOR modification of construction permit; call sign: \_\_\_\_\_

File No. of construction permit: \_\_\_\_\_

☒ MINOR modification of construction permit; call sign: \_\_\_\_\_ WCCJ

File No. of construction permit: \_\_\_\_\_ BPH-840423ID, as modified

☐ AMENDMENT to pending application; Application file number: \_\_\_\_\_

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	106.1 MHz
CI	-891228MT NEW
BPH	AL
CHATOM	BENCHMARK COMMUNICATIONS CORP.

## Section II - LEGAL QUALIFICATIONS

Name of Applicant

BENCHMARK COMMUNICATIONS CORP.

1. Applicant is: (check one box below)

- ☐ Individual      ☐ General partnership      ☒ For-profit corporation  
☐ Other      ☐ Limited partnership      ☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.  
-----

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date September 1, 1982 Place Tallahassee, FL

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☐ Yes ☒ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.  
-----

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station. not applicable.

☐ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-31), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☒ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☐ No

Not Applicable

# Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interests.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.555 and 73.501, including the nature and size of such interests and the positions held.

1.	JOHN RAYMOND MEYERS 4700 SW 75 Ave. Miami, FL 33155	CLARENCE R. BRELSFORD 4650 SW 75 Ave. Miami, FL 33155	EARL LYLE MILLER 2656 Foxwood Dr Akron, OH 44313	NANCY B. MILLER 2656 Foxwood Dr. Akron, OH 44313
2.	U.S.A.	U.S.A.	U.S.A.	U.S.A.
3.	PRES./DIR.	TRES./SEC./DIR.	V.PRES/DIR	Ch Person/Dir
4.	250	250	250	10
5.	250	250	250	10
6.	33%	33%	33%	1%
7.	None	None	None	None
8.	None	None	None	None

Section II - LEGAL QUALIFICATIONS (Page 3)

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☒ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☒ Yes ☐ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant? See Exhibit I For Explanation

☐ Yes ☐ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.  
I

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☒ Yes ☐ No

(b) Does any member of the immediate family (i.e. husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☒ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
II

9. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.  
-----

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e. husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
-----

Section 11 - LEGAL QUALIFICATIONS (Page 4)

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

11. (a) Is the applicant in violation of the provisions of Section 810 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction C to Section 11.)

☐ Yes ☒ No

- (b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.  
-----

12. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

- (b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.  
-----

# SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

☒ Yes ☐ No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.

\$ 57,270.00

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Benchmark Comm. Corp. 4700 SW 75 Avenue Miami, FL 33155	(305) 264-5963	Corporate	\$25,500.00*
John Raymond Meyers 4700 SW 75 Avenue Miami, FL 33155	(305) 264-5963	Pres/Dir	15,000.00
Clarence R. Brelsford 4650 SW 75 Avenue Miami, FL 33155	(305) 264-5957	Sec/Tres/Dir	15,000.00
Earl L. Miller 2656 Foxwood Drive Akron, OH 44313	(216) 836-1351	V. Pres/ Dir	15,000.00

\* Value of equipment on hand.



#### Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.  
III

#### Section IV-B - INTEGRATION STATEMENT

Attach as an Exhibit the information required in 1. and 2. below.

Exhibit No.  
IV

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.
2. State with respect to each principal identified in response to Item 1. above, whether the applicant will claim qualitative credit for any of the following enhancement factors:
  - (a) Minority Status
  - (b) Past Local Residence  
If Yes, specify whether in the community of license or service area and the corresponding dates.
  - (c) Female Status
  - (d) Broadcast Experience  
If Yes, list each employer and position and corresponding dates.
  - (e) Daytime Preference

**SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

1. Does the applicant propose to employ five or more full-time employees?

☐ Yes ☒ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 808-A).

**SECTION VII - CERTIFICATIONS**

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.8560?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

If No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted Edward D. Faith

Telephone No. (include area code) (205) 246-5664

Person contacted: (check one box below)

☒ Owner ☐ Owner's Agent ☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

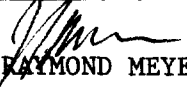
The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.55, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

SECTION VII - CERTIFICATION (Page 5)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant BENCHMARK COMMUNICATION CORP.	Signature  JOHN RAYMOND MEYERS
Date December 15, 1989	Title PRES./DIRECTOR

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT  
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3090-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

EXHIBIT I

Sect. II, Para. 7

Benchmark Communications Corp.

**BROADCAST INTERESTS**

John Raymond Meyers, Earl Lyle Miller, Nancy B. Miller and Clarence R. Brelsford are officers and directors of Benchmark Communications Corp.

Benchmark Communications Corp. was granted a transfer of ownership of the construction permit for WCCJ, File Number BPH-840423ID, from Rose Fuss. Unable to complete construction before its last permit expired, Benchmark filed for an extension to its construction permit in a timely manner. However, certain events that were to have taken place between the time the application was prepared and filed and the expiration of the construction permit failed to materialize. A party disinterested in the existing authorization but mutually exclusive to a pending upgrade request alleged that a misrepresentation had occurred when Benchmark indicated that events reported in its application for additional time had taken place when they had not. Benchmark believed these events would be completed by the end of the existing construction period. When they did not occur, Benchmark immediately amended the application and stated the nature of the discrepancies and the steps it took to correct them. Without reaching the allegations of misrepresentation, the Commission

denied the extension application for lack of adequate construction progress. Benchmark has requested reconsideration of that action.

Mr. Meyers previously held an interest in an application for new FM facilities at Hollywood, Florida. To his knowledge and belief, the applicant was Hollywood Hi-Fi Broadcasters, his interest was 20 percent, and the application was dismissed in a settlement with a competing applicant for the same facilities.

Benchmark Communications Corp. and its President, John Raymond Meyers, were principals in Key Largo Broadcasters, which filed for 103.9 MHz (Channel 280A) at Key Largo, Florida, File Number BPH-830725AG. After designation for hearing, Key Largo Broadcasters voluntarily withdrew its application in order to pursue other broadcast opportunities.

In 1985 Benchmark Communication Corp. also filed an application for a new FM at Marco, Florida. The application was deemed incomplete by the Commission and was returned.

Benchmark Communications Corp. was a limited partner in Gulf Breeze Wireless Co., Ltd., applicant for a new FM at Gulf Breeze, Florida, Channel 237A (File Number BPH-850301MB), in which Clarence Brelsford's daughter-in-law, Barbara Brelsford, was the general partner and his son, Michael Brelsford, was a limited partner. After designation for hearing, Gulf Breeze Wireless Co., Ltd.'s application was dismissed with prejudice by the Administrative Law Judge.

On May 2, 1989 Benchmark Communications Corp. filed an application for a new FM at Highlands, North Carolina, on Channel 283A (104.5 MHz). The application was accepted for filing and a reference number (890504ME) was assigned.

Mr. Meyers is employed as a staff engineer with the Dade County Public Schools, licensee of noncommercial educational stations WLRN(FM) and WLRN(TV), Miami, Florida, and has held that position from February 1981 to the present.

Earl Lyle Miller is Chief Engineer of Summit Radio Corporation, licensee of Station WAKC(TV), Akron, Ohio, and has held that position from October 1979 to the present.

Nancy B. Miller and Clarence R. Brelsford have no other broadcast interests.

**EXHIBIT II**

**Sect. II, Para. 8(a & b)**

**Benchmark Communications Corp.**

**RELATED PARTIES**

**Earl Lyle Miller and Nancy B. Miller are husband and wife.**

### EXHIBIT III

#### Sect. IV

Benchmark Communications Corp.

#### **PROGRAMMING SERVICE STATEMENT**

Benchmark Communications Corp. will treat the needs and interests of the community through a traditional mix of news, public affairs, and other programs, which will constitute approximately 6 percent of the broadcast week. It will air public affairs programming both on a regular and on an "as needed" basis, to assure that the significant issues of the community are treated. Additionally, an on-going schedule of local, regional and national public service announcements will be maintained. In keeping with the fairness doctrine, Benchmark will seek out responsible spokespersons of contrasting viewpoints on matters of significant concern to the community.

#### **AUXILIARY POWER SUPPLY**

Benchmark proposes to install an auxiliary power supply, in order to maintain service to the public in the event of emergency or other cause of loss of power.



EXHIBIT IV

Sect. IV-B, Para. 1

Benchmark Communications Corp.

**INTEGRATION STATEMENT**

In the event of a grant of this application, principal John Raymond Meyers proposes to retire from his present position and move to Chatom, Alabama, where he will work full-time (minimum 40 hours per week) as General Manager of the station.

In that position Mr. Meyers will have executive responsibility for all aspects of station operations, including technical operations; news, public affairs, entertainment and all other programming operations; sales operations; and administration. In the capacity of President, Director and Chief Executive Officer of Benchmark, Mr. Meyers has, since the corporation's founding in 1982, contributed more than forty hours per week and frequently sixty and eighty to the management of the corporation. The corporation has been involved in applications for four FM facilities and the transfer of ownership of one. The corporation has and continues to review hundreds of opportunities for both new and operating stations. It is Mr. Meyers' direct responsibility to make the decisions concerning the disposition of each.

### **QUALITATIVE ENHANCEMENT FACTORS**

John Raymond Meyers claims credit for past and future local residence in Chatom, Alabama. Since Benchmark Communications Corp. received transfer of ownership of WCCJ in 1985, Mr. Meyers, although not maintaining a permanent residence in Chatom, Alabama, has resided in the area the equivalent of two months each year. Staying mainly at the Timberland Motel in Chatom, Mr. Meyers would handle the affairs of establishing a station in the town. In 1989 Mr. Meyers' brother, Peter E. Meyers, lived at the Timberland Motel as a permanent resident and employee of Benchmark. Mr. Meyers would stay with his brother for frequently a week at a time while conducting business in Chatom.

Mr. Meyers maintains an on-going relation with a number of the town's businesses and professionals, including the Chatom Chamber of Commerce; Edward Turner, Kevin Howell and David Huggins of the Law Firm of Turner, Onderdonk and Kimbrough; the First Community Bank where Benchmark maintains a checking account; Robert Schell, a civil engineer; and many other individuals.

Mr. Meyers receives a continuing subscription to both the Call-News Dispatch and The Southern Alabamian weekly newspapers and has on several occasions made editorial contributions.

John Raymond Meyers also claims credit for broadcast experience. Mr. Meyers entered the broadcasting profession in 1956 while a freshman in high school, as a weekend disk jockey with station WINZ, Miami, Florida. In 1959 he worked part-time for

WAFM-FM, Miami as a disk jockey. After high school he completed courses in electronics and was examined for an FCC Radiotelephone First Class License and passed. In 1964 Mr. Meyers rejoined WINZ as a full-time staff engineer. In 1965 while with WINZ, Mr. Meyers prepared and filed for a new FM station for Hollywood, Florida. While the application was awaiting action by the Commission, the Commission requested Mr. Meyers to undertake an amendment to his application to determine community needs and interests. Mr. Meyers completed the study and from a letter in Mr. Meyers' files from the FCC, Mr. Meyers believes he was the first broadcaster to conduct a COMMUNITY ASCERTAINMENT SURVEY. His methods for conducting the survey were used as a model for all stations for years.

In 1968 Mr. Meyers joined WMBM-AM and WGOS-FM, Miami Beach, as Chief Engineer. In 1971 he was Chief Engineer of WGMA, Hollywood, Florida, and in 1975 he was Chief Engineer of WOCN-AM, Miami. In 1976 he joined Mission East Broadcasting as Chief Engineer of WWOK-AM and WIGL-FM, both Miami.

In 1978 Mr. Meyers became Chief Engineer for WDNA, a community access station in Miami, and in 1979 he also became Station Manager and acting President for the licensee, Bascomb Memorial Broadcasting Foundation.

In 1981 Mr. Meyers joined Dade County Public Schools as a staff engineer for WLRN-FM and WLRN-TV, and has remained with them to the present.

Mr. Meyers also has owned several broadcast-related business. In 1965 he founded Sound Masters Commercial Recording Company, a sole proprietorship involved mostly in commercial radio advertising production, and operates this business to this day.

In 1971 Mr. Meyers founded the Florida Stereo Network, a stereo FM radio network of six Florida FM stations for special event programming. In 1975 he merged FSN into a corporation as United Radio Network of Florida, Inc., and at times fed 165 stations special sports events and programming. This network still operates today and carries coverage of manned launch activities from the Kennedy Space Center in Florida.

Mr. Meyers has been directly responsible for the initial design and construction of more than thirty Florida radio stations since the early sixties. His name has appeared countless times on applications to the FCC for a wide variety of engineering submissions, and has to his knowledge had only one submission returned as not acceptable.

Presently, Mr. Meyers remains staff engineer with WLRN-FM-TV. He is the President, Director and Chief Executive Officer of Benchmark Communications Corp.; he is the President, Director and Chief Executive Officer of United Radio Network of Florida, Inc.; and owner of Sound Masters Commercial Recording Co.

#### **OTHER PRINCIPALS**

Benchmark's other principals, Clarence R. Brelsford, Earl L. Miller and Nancy B. Miller, also do and will participate in the management and decision making process for Benchmark. Each principal's contribution varies, depending on the situation demanding attention.

# Section V-B - FM BROADCAST ENGINEERING DATA

## FOR COMMISSION USE ONLY

File No. \_\_\_\_\_  
 ASB Referral Date \_\_\_\_\_  
 Referred by \_\_\_\_\_

Name of Applicant  
 BENCHMARK COMMUNICATIONS CORP.

Call letters (if issued)

WCCJ

Is this application being filed in response to a window? ☒ Yes ☐ No

If Yes, specify closing date: January 2, 1990

Purpose of Application: (check appropriate boxes)

☐ Construct a new (main) facility

☐ Construct a new auxiliary facility

☒ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☐ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☒ Antenna supporting-structure height

☒ Effective radiated power

☒ Antenna height above average terrain

☐ Frequency

☒ Antenna location

☒ Class

☐ Main Studio location

☐ Other (Summarize briefly)

File Number(s) BPH-840423ID, as modified

### 1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
291C3	CHATOM	WASHINGTON	AL

Class (check only one box below)

☐ A ☐ B1 ☐ B ☒ C3  
☐ C2 ☐ C1 ☐ C

### 2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

1 mile northwest of St. Stephens, Washington County, Alabama

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	31	°	33	'	02.5	"	Longitude	88	°	03	'	54.5	"
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3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both.

Not Applicable

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

Not Applicable

## SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	°	'	"	Longitude	°	'	"
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5. Has the FAA been notified of the proposed construction?

☒ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.  
E-1Date December 5, 1989 Office where filed Atlanta, GA

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	CHATOM AIR FIELD	15.8 KM	225.1°
(b)			

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level; 88.0 meters(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 45.7 meters(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)] 133.7 meters

(b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground 38.8 meters (H)38.8 meters (V)(2) above mean sea level [(a)(1) + (b)(1)] 126.8 meters (H)126.8 meters (V)(3) above average terrain 100.0 meters (H)100.0 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.  
E-2

9. Effective Radiated Power:

(a) ERP in the horizontal plane 25.0 kw (H\*) 25.0 kw (V\*)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.  
-----                     kw (H\*)                      kw (V\*)

\*Polarization

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.  
-----

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 316 mV/m service.

Exhibit No.  
-----

12. Will the main studio be within the protected 316 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.  
-----

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☒ Yes ☐ No

SEE ENGINEERING EXHIBIT E-8 AND E-9

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.218 apply?

Not Applicable

☐ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.  
-----

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.  
-----

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.  
-----

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent areas, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☐ Yes ☒ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized, or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)

Exhibit No.  
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15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V. The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.  
E-3

16. Attach as an Exhibit *(name the source)* a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers: U.S. GEOLOGICAL SURVEY 250,000 series HATTIESBURG, MS  
ANDALUSIA, AL

Exhibit No.  
E-4

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 615 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. - 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour. SEE ENGINEERING EXHIBIT E-5

Area 1,844.5 sq. km. Population 34,488

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
-----

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data *(to be calculated in accordance with 47 C.F.R. Section 73.313)*

Source of terrain data: *(check only one box below)* SEE ENGINEERING EXHIBIT E-6

☒ Linearly interpolated 30-second database ☐ 7.5 minute topographic map

(Source: DATAWORLD, INC.)

☐ Other *(briefly summarize)*